

REMARKS

Reconsideration of this Application is respectfully requested. Claims 37 and 60-63 are allowed; claims 37 and 62 are currently amended.

In compliance with 37 CFR 1.312, this amendment is filed before payment of the issue fee. The Assignee requests entry of the amendments because they are needed for proper protection of the invention and moreover, do not require a substantial amount of additional work on the part of the Office.

In particular, the claim amendment clarifies that the claimed variant has at least 90% identity to the specified SEQ ID No: 6. The support in the specification for the amendment is found on page 8, paragraph 2. The specification discloses variants of β -glucuronidase in terms of various ranges of identity (e.g., at least 90% identity), and it is variants that fall in the range from 90 to 100% that is needed for proper protection of the invention. The way the allowed claim is written, the outer limit of the range (90%) is specified but language is missing that indicates that the variant falls within the range. No further search is needed as the amended claim does not include any molecules that would have been excluded from the search already performed by the Office. Furthermore, because the outer limit of the range (90%) has been found by the Office as patentable, it stands to reason that a variant with *more* identity than 90% is also patentable.

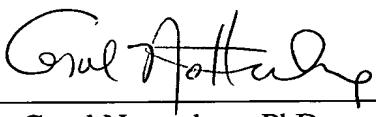
The amendments are necessary at this time because the error was only noticed when the Attorney for the Assignee was reviewing the Notice of Allowance. The invention was intended to be claimed as amended, but due to a slip of the fingers or word processor when drafting the claims, the term "at least" was regrettably omitted. As the Office is well aware, drafting perfect claims is very difficult. The challenging nature of claim drafting is reflected in frequent Section 112, paragraph 2 rejections in many Office Actions and amendments made by Examiner's Amendments. This Attorney is not exceptionable in this regard - (How I wish!) - and has made an error. But, on the other hand, entry of the amendment causes no burden on the Office in terms of requiring any additional search or examination. Therefore, the Office is most respectfully requested to enter the amendments.

Appl. No. 09/936,759
Amdt. dated 7 March 2006
Amendment after allowance under 37 CLR 1.312

If the Examiner believes, for any reason, that personal communication will expedite this matter, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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